**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929**

**Bail Appl..No. 4695 of 2007()**

**(CRIME NO.162/06 OF THE RAMANKARY POLICE STATION)**

**PETITIONER/ACCUSED:**

**BIJU ABRAHAM ALIAS BIJU, S/O. CHACKO,**
**VANIAPURACKAL VEEDU, VELIYANAD PANCHAYATH,**
**ALAPPUZHA.**

**BY ADV. SRI.K.A.SALIL NARAYANAN**

**RESPONDENT: COMPLAINANT:**

**STATE OF KERALA,**
**REPRESENTED BY PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. JAI GEORGE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2007 ALONG WITH B.A.NO.4705 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R.BASANT, J.**

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B.A.NoS.4695 & 4705 of 2007

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Dated this the 7th day of August 2007

**O R D E R**

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 7.5 litres of arrack on 25/12/2006 and 3.5 litres of spirit on 31/12/2006. On both occasions, he was not available for arrest as he allegedly took to his heels. Investigation is in progress. The petitioner was arrested on 11/7/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that in respect of one incident, the name of the petitioner is not even shown in the earliest documents like seizure mahazer and occurrence report. Averments in the seizure mahazer and occurrence report in that case only show that the detecting party found certain contraband article abandoned and seized the same. It is on subsequent investigation that the complicity of the petitioner was allegedly revealed and report made to the learned Magistrate to array the petitioner as an accused. So far as the latter incident is concerned the specific allegation is that the petitioner was engaged in the act of selling liquor when the detecting party reached his tea shop. He allegedly abandoned

his articles and took to his heels. His name is shown in the seizure mahazer as well as in the occurrence report. The petitioner continues in custody from 11/7/2007. Admittedly as many as eight cases under the Kerala Abkari Act have already been registered against the petitioner though the learned counsel for the petitioner submits that in respect of two of them he has already secured acquittal.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioner can now be enlarged on bail in both cases on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 16/08/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of forty five days from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

**(R.BASANT, JUDGE)**

jsr

// True Copy// PA to Judge

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007